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P R E S E N T S I T U A T I O N  
O F  
A F F A I R S I N A M E R I C A.

In which the Arguments in favour of the Colonies, are placed in a new Point of View, and their Rights and Privileges are incontestibly demonstrated on constitutional Principles, supported by unanswerable Arguments drawn from their ancient original Charters, and the Circumstances attending their first Settlement. Together with a serious and impartial Consideration of the Consequences which must necessarily result from the Exercise of coercive Measures, to compel them to a Submission to the late Acts of Parliament.

A L S O

An APPENDIX in Answer to a Pamphlet intituled,  
*The Constitutional Right of Great-Britain to Tax the Colonies.*

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*Quæ domus tam stabilis, quæ tam firma civitas est, quæ non odiis  
atque dissidiis funditus possit everti?*

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L O N D O N,

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MDCCLXIX.

13-57



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TO THE  
RIGHT HONOURABLE  
THE  
EARL of HILSBOROUGH.

MY LORD,

AS the colonies yet continue the peculiar objects of your administration, I have presumed to address the following letter to your lordship.—If you have, on any late occasion, declared that the colonies should continue subject to parliamentary taxation; if you have appeared not only an advocate for, but principal agent in, a design formed to coerce the colonies; or if the sum of your political conduct has rather inflamed than

B extinguished

extinguished those unhappy, those unnatural, dissensions so unnecessarily generated, and so wantonly fomented between his Majesty's British and American subjects ; and if consequences pregnant with national ruin, are justly apprehended, from your known disposition towards the colonies, no longer opposed by the restraining influence of those patriotic ministers, who have lately resigned the seals, your lordship will easily conceive not only the propriety but necessity of the present letter ; in which I shall incontestibly vindicate the rights, claimed by the colonies, on constitutional principles, and impartially expose the pernicious consequences which must necessarily result from the pursuit of your favourite measures.

——— *Longa est injuria longæ  
Anbages ; sed summa sequar fatigia rerum.*

VIRG.

The civil constitution of this kingdom by no means determines the connection which ought to be established between the parent country and her colonies, nor the duties

duties reciprocally incumbent on each other. Colonization from England, being unknown before the discovery of America, and wholly unprovided for by its original laws; nor can any precedent or information, pertinent to the present subject, be deduced from antient history, since the settlement of all our American colonies (Nova Scotia and Georgia excepted) was undertaken from motives, and attended with circumstances, perfectly singular and dissimilar to the views which influenced colonization in the more early ages of the world. The present dispute therefore can only be determined, by considering what were generally understood to be the rights and privileges of the colonies at, and soon after, their settlement, as they appear from their most antient charters, and the several acts and declarations proceeding from the crown at that æra, together with the conduct of parliament on this subject, and observing how far they are consonant to, or supported by, the laws of nature, and the principles of the British constitution.

Before I consider the charters of the colonies, it will be convenient previously to



declare, that it is an axiom, which no one, who is acquainted with the history and policy of this kingdom, will seriously controvert; that the king of this realm has, by his prerogative, a constitutional right to alienate all acquisitions of territory, not previously annexed to this kingdom, and emancipate any part of his subjects from their allegiance to himself, and (as a necessary consequence) from the authority of parliament. This prerogative has been so constantly exercised by the crown, at almost every treaty of peace, and on a variety of other occasions, from the cession of Calais, to the sales of Dunkirk, Tangier, &c. and from thence to the present time, and with the invariable concurrence of parliament, that any particular examples or arguments, in support of this position, must be unnecessary. In the exercise of this undisputed prerogative, the sovereigns of this realm have granted to the colonies the charters and privileges which are the objects of their present contention, and by which they were rendered distinct states, united in one common sovereign. — The most

most antient of their charters was granted by Queen Elizabeth, under the great seal of England, and confirmed by parliament in the year 1684, \* by which the whole country, called Virginia, was granted to Sir Walter Raleigh, his heirs and assigns, in the most ample manner, and in perpetual sovereignty, with full power of legislation, and establishing a civil government in that country, which was to be united to the realm of England in perfect league and amity, to be within the allegiance of the English crown, and held by homage and the payment of one fifth of all gold and silver ore. Sir Walter Raleigh being discouraged in his attempts for the settlement of Virginia, by the great expence and a variety of unsuccessful incidents, assigned the country to several gentlemen and merchants in London, who with other associates, obtained new charters, conveying to them all the rights, vested in Sir Walter, before his attainder, with the same jurisdictions, royalties, powers, privileges, franchises, &c.

\* The substance of this charter may be seen in the 3d Vol. of Salmon's Universal Dictionary.

The second of these charters to the treasurer and company of Virginia, dated at Westminster the 23d of March 1609, grants authority “ to make, ordain, and establish, “ all manner of orders, laws, directions, “ instructions, forms and ceremonies of “ government and magistracy, fit and necessary for, and concerning the government of, the said colony and plantation, “ and the seas adjacent, and the same to “ abrogate, &c.” with an express covenant and grant for himself, his heirs, &c. “ to “ and with the said treasurer and company, “ their successors, factors, and assigns, that “ they, and every of them, shall be free “ from all taxes and impositions *for ever*, “ upon any goods or merchandizes, at any “ time or times hereafter, either upon importation thither, or exportation from thence, “ into our realm of England, or into any “ other of our realms or dominions.”

Under these charters the colony of Virginia, after immense difficulties, which they overcame without the least assistance from the English government, became so considerable,



able, that in 1621, a general assembly or legislative authority was established in the governor, council, and burgessees, who were elected by the freeholders as their representatives; and this assembly has, from that æra, invariably exercised the power of legislation over the colony. King James, however, by a proclamation, dated the 15th of July 1624, dissolved the Virginia company, rendering the colony immediately dependant on the crown; a measure which raised very disagreeable apprehensions in the mind of its inhabitants. To quiet these, king Charles the first, on the demise of his father, issued a proclamation, which instead of the expected effect, produced a remonstrance to the throne from the inhabitants of Virginia, in which they freely expressed their apprehensions of designs against their rights and privileges. To this the lords of privy council returned a letter, dated 22d of July 1634, containing the royal assurance, and affirmation that, “ All their estates, trade, freedom, “ and privileges should be enjoyed by them “ in as extensive a manner as they enjoyed “ them before the recall of the company’s “ patent.”

"patent." When the parliament afterwards sent a squadron to Virginia, the colony refused submission to their commissioners, until they granted them the following conditions, which serve to convey a just idea of the rights to which they then thought themselves intitled.

Art. Ist. The plantation of Virginia and all the inhabitants thereof, shall be and remain in due subjection to the commonwealth of England, not as a conquered country, but as a country submitting by their own voluntary act, and shall enjoy such freedoms and privileges as belong to the free people of England.

IId. The general assembly as formerly, shall convene and transact the affairs of the colony.

IIId. The people of Virginia shall have a free trade, as the people of England, to all places and all nations.

IVth. Virginia shall be free from all taxes, customs, and impositions whatsoever; and  
none

none shall be imposed upon them without consent of their general assembly; and that neither forts nor castles be erected or gar-risons maintained without their consent.

These conditions being granted by parliament, the royal governor was removed, and three other governors successively elected by the house of burgesses. But in January 1659, Sir William Berkley, the king's governor, was restored by the people who proclaimed Charles the second, king of England, Scotland, France, Ireland, and Virginia, sometime before his restoration to the crown of England.

The reign of Charles the second, was an æra by no means favourable to the liberty of his subjects; yet that monarch, when a permanent revenue for the support of civil government in Virginia was deemed necessary, did not attempt to procure it by the authority of parliament, but applied to the general assembly, and an act passed under the great seal, in which it was enacted  
 “ by the king's most excellent majesty, by

C

“ and



“ and with the consent of the general assembly of the colony of Virginia, &c.” By this act a duty of two shillings *per* hog-head upon all tobacco, one shilling and three pence *per* ton upon all shipping, &c. was granted to his majesty for ever, as a revenue for the support of civil government; which is still paid by virtue of this act. Here, my lord, we have an early example of the general assemblies of the colonies granting a revenue agreeable to a requisition from the crown, and this is the only source from which all supplies from them should proceed.—By this, act your lordship may likewise learn to know, that the supreme assemblies of the colonies were not originally in that subordinate state to which your favourite measures would reduce them, and that the sovereign himself thought it no dishonour to be named as a part of their legislative authority.—At this time Spain ingrossing the trade of her American colonies, the people of England, after her example, without considering the difference between their own constitution and that of Spain, nor the differences between the privileges which

which each had granted their colonies, claimed an exclusive trade with their American plantations, and the act of the 25th Charles II. and several subsequent ones passed for abridging their trade with foreign countries, and imposing duties upon several branches of commerce between the colonies which were thought detrimental to the parent country, and which these duties were designed to discourage, like fines for the prevention of crimes, as the preambles to the acts themselves demonstrate, and not to raise a revenue to the crown by parliamentary authority. Yet even these were considered as grievances, and agents were sent to England from the colony of Virginia, to remonstrate against " Taxes and impositions being  
" laid on the colony, by any authority but  
" that of the general assembly."

This produced a declaration from king Charles the second, under the privy seal, and dated the 19th of April 1676, asserting that, " Taxes ought not to be laid upon the  
" inhabitants, and proprietors of the co-  
" lony, but by the common consent of the

“ general assembly ; except such impositions as the parliament should lay on the commodities imported into England from the colony.” And he then ordered a charter to be issued under the great seal, for securing this right to the colony.

Here, my lord, I have recited a series of incidents which are so many accumulated proofs, that the colonies before the act of navigation, not only considered themselves, but were considered by the king, parliament, and people of England, as free distinct states, not depending on the parliament of this kingdom, though owing allegiance to its sovereign, and intitled to a free unrestrained trade to all nations, with a positive exemption from every species of taxation, by any authority but that of their own assemblies ; and as countries inhabited by men, who availing themselves of their natural rights, had withdrawn themselves from a subjection to the English government, and retired thither, under express stipulations from the crown, which became the sacred conditions of their allegiance, and ought to be preserved



preserved inviolate.—And though by the act of navigation, and several subsequent parliamentary regulations, the commerce of the colonies with foreign nations was circumscribed, yet no precedent, can be produced of any attempt made by parliament, to regulate their internal policy or legislation, or impose taxes upon them, from the æra of their settlement to the termination of the last war. Before that period, their charters had been recognized by parliament and confirmed *sub silentio*, and the colonies, by a long uninterrupted enjoyment, and prescription, acquired an additional right to the privileges originally granted by charter, which is alone sufficient to render all their claims valid, agreeable to the laws of this kingdom.

Can your lordship think any farther proofs necessary to establish the justice which sanctifies the pretensions of the colonies? Did I not know you to be prejudiced on this subject, I would answer for you in the negative; but as an opinion once adopted, is often defended with an obstinacy which precludes

cludes conviction, especially when favoured by by interest: it may be proper to consider the circumstances attending the settlement of New England, the most antient of all the colonies, Virginia excepted. Those who first migrated to that part of America, were men whose principles were repugnant to that public exercise of religion agreeable to the liturgy, form and ceremonies of the church of England, and being by episcopal intolerance denied the freedom of non-conformity, they quitted the kingdom, and retired to Holland, to secure an asylum from those religious grievances which they suffered under the laws, and jurisdiction of parliament. Holland, however, not only proved inconvenient to their private circumstances, but the complaisance of that state to the government of England, rendered them unsafe in the exercise of their religion, and king James the first, having by letters patent under the great seal, bearing date at Westminster, the 3d of November, in the 18th year of his reign, established a council at Plymouth in the county of Devon, “for the planting, ruling, ordering, and  
“ governing

“ governing of New England in America, and  
 “ and granted them the whole of that country,  
 “ with all its commodities, jurisdictions, roy-  
 “ alties, privileges, franchises, &c. &c.” to be  
 held of the crown, “ in free and common  
 “ soccage, and not *in capite* or by nights, ser-  
 “ vice, by the payment of one fifth of all gold  
 “ and silver ore, to be had or obtained therein,  
 “ for, and in respect of all, and all manner of  
 “ duties, demands, and services to be done,  
 “ made or paid ” to the crown ; which terri-  
 tory being considered as without the kingdom of  
 England, and the extent of its laws, (as it  
 appears to have ever since been, by the resolu-  
 tion of the lords of privy council, who have  
 determined that the laws of Great Britain, shall  
 not bind the colonies, unless they are expressly  
 named therein) they resolved to transport and  
 settle themselves there, with the permission of  
 the council of Plymouth, and accordingly ap-  
 plied to king James, through the mediation of  
 Sir Robert Naunton, secretary of state, for leave  
 to retire thither, which having obtained, they  
 became private adventurers, and without any  
 expence to England, conveyed themselves to  
 the wilds of America, in quest of that freedom  
 which they were denied within the jurisdiction  
 of parliament, availing themselves of a natural  
 right, which is notoriously invested in every



member of society; to abandon a disagreeable or oppressive government, and thereby recover his natural freedom and independance, and annihilate the sovereignty and jurisdiction of the abandoned society.

On their arrival in America, they landed in a part which they had no permission to settle, and which they held from no European power, and therefore considered themselves as persons who had reverted to their natural freedom and independance; and thought it necessary, by a public act, (which was signed by all the heads of families) to declare themselves the subjects of their former sovereign, and engage to *obey such laws as they themselves should enact for their own government*. This my lord, was the æra of their emancipation from parliamentary authority, of which your lordship may acquaint Mr. Grenville, should he hereafter repeat his question on that subject. This was the origin of the colony of New Plymouth, whose inhabitants first bargained for the soil with its natural proprietors and aboriginal inhabitants, and afterwards purchased, from the council of Plymouth the intire right of the patentees, to that part of the country, and united themselves into a new republic, governed by magistrates of their own appointment, agreeable to laws enacted by themselves, without dependance on or, protection from, their parent country.

“ Thus,”

“ Thus,” says the author of the universal modern history, “ did those industrious colonists find means to erect themselves into a republic, even though they held their possessions under the sanction of an original patent from the crown of England; a case that is rare in history, and can be effected only by that perseverance which the true spirit of liberty inspires.”

After a succession of several years, in which the number of inhabitants had been considerably augmented by subsequent migrations, the colony of Massachusetts Bay was planted, and the council of Plymouth, by their deed, indented under their common seal, and bearing date the 19th of March, in the third year of the reign of Charles the first, did grant to Sir Henry Roswell, Sir John Young, &c. a considerable part of the territory now included within that province with all their rights, privileges, jurisdictions, immunities, &c. to be held from the crown, on the same conditions

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on which the council had received them, and this grant was the next year confirmed by letters patent from the king, under the great seal of England, with the addition of other tracts of land adjoining, to be held of the crown, in the same manner, and with the same privileges, with which they had been before granted to the Plymouth council, by the inhabitants, who were, by these letters patent, created a body politic, and corporate, by the name of the governor and company of Massachusett's Bay in New England, and formed into a civil government, all the members of which, both legislative and executive, were to be elected by the people, and when so elected, were authorized "to make, ordain, and establish, "all manner of wholesome and reasonable "laws, statutes, and ordinances," &c. to which the royal assent was not necessary, and which the king had not a right to repeal, and to enforce obedience to these laws by penalties and pains, extending to the loss of limbs and life, to pardon crimes, coin money, &c. &c. and every other privilege requisite to constitute a free distinct state.

This



This charter was afterwards vacated by a judgment given in the court of Chancery at Westminster, in the term of the Holy Trinity, in the thirty sixth year of the reign of Charles the second, upon a writ of *scire-facias*; and the colony remained for several years without a charter, till near the revolution they imprisoned Sir Edmond Andros, king James's governor, and proclaimed the prince of Orange some time before his arrival in England, resuming the privileges of their former charter, which would have been afterwards restored, had not king William been disgusted by a remonstrance from Mr. Mather, the colony agent, against his naming the first governor.

Hereupon a new charter passed the great seal, in the third year of William and Mary, in which their former rights were restored, with this exception, that the appointment of their governor, lieutenant-governor, and secretary, was reserved to the crown, with a right to repeal their laws within the term

of three years. By this charter, the right of imposing and levying, "proportionable and  
 "reasonable assessments, rates and taxes,  
 "upon the estates and persons of all and  
 "every the proprietors and inhabitants  
 "of the said province, for his majesty's  
 "service, in the necessary defence and sup-  
 "port of his government, of his said pro-  
 "vince, and the preservation and protec-  
 "tion of the inhabitants there," is solely  
 and expressly lodged in the representatives  
 of the freemen of the said province, in ge-  
 neral court assembled.

With what reason is it then, that the  
 parliament exercises this power, or with  
 what justice can the inhabitants of that pro-  
 vince be subjected to double legislation, and  
 complicated taxation, for the support of their  
 own, and our government?

Connecticut, and Rhode Island-govern-  
 ments, though settled soon after the colony of  
 Massachusetts Bay, and upon the same prin-  
 ciples, and from the same religious griev-  
 ances,

ances, had no charters until the 14th year of Charles the second, and during all that long space of time, were divided into several commonwealths, governed by their own laws, and defended only by themselves in their long and dangerous wars, with the neighbouring Indian tribes.

The charter granted them by Charles the second, contained all the privileges conferred by the ancient charter of Charles the first, to the governor and company of Massachusset's Bay; privileges like these of all the other colonies, in every respect incompatible with parliamentary jurisdiction.

By these charters they continue to this time, to elect their own governors, and every other civil and military officer; and to make all their own laws, which are not repealable by the crown or any other authority.

The preamble to the charter of Connecticut, expressly declares, that the " colony, or  
" the greatest part thereof, was purchased  
" and obtained for great and valuable con-  
" siderations; and the other part thereof  
" gained



“ gained by conquest, with much difficulty,  
 “ and at the only endeavours, expence, and  
 “ charge of the proprietors, and their asso-  
 “ ciates.”

This was indeed the case of the colonies in general, who were abandoned to their own fate, till their successful industry, and increase, rendered them objects worthy of our attention.

I shall not detain your lordship with a particular account of the charters of the other colonies, which is unnecessary from their conformity to these already mentioned: There are some things, however, in the charter of Maryland, which merit particular attention. This charter was granted by Charles the first, on the 28th of June, in the eighth year of his reign, to Cæcilius, baron of Baltimore, conveying to him, his heirs, &c. the sovereignty, jurisdiction, commodities, &c. of the province of Maryland, “ saving only the faith, and  
 “ allegiance, and sovereign dominion due  
 “ to the crown,” to be holden (like all the other colonies) of the kings of England as  
 “ of

of their castle of Windsor, " in free and  
 " common soccage, by fealty only, " pay-  
 ing only two Indian arrows annually, with  
 a fifth part of all gold and silver ore, and  
 granting to the said lord Baltimore, &c.  
 " free, full, and absolute power, for the  
 " good and happy government of the said  
 " country, to ordain, make, enact, and,  
 " under his, or their seal, to publish any  
 " laws *whatsoever*, appertaining either to  
 " the public state of the said province,  
 " or unto the private utility of particular  
 " persons, according to their best discreti-  
 " ons, by and with the advice and assent of  
 " the freemen of the said province, &c."  
 with power to take away members or life,  
 pardon crimes, coin money, confer titles, dig-  
 nities, &c. together with the following *covenant*  
 which I shall transcribe for your lordship's  
 perusal. " And further our pleasure is, and  
 " by these presents, for us, our heirs and  
 " successors, we do covenant and grant, to,  
 " and with, the said now lord Baltimore,  
 " his heirs and assigns, that we, our heirs  
 " and successors, shall at no time hereafter,  
 " set or make, or cause to be set, any im-  
 " position,

“ position, custom, or other taxation, rate, or  
 “ contribution whatsoever, in and upon the  
 “ dwellers and inhabitants of the aforesaid  
 “ province, for their lands, tenements, goods  
 “ or chattles, within the said province;  
 “ or to be laden or unladen, within the  
 “ ports or harbours of the said province;  
 “ and our pleasure is, and for us, our  
 “ heirs, and successors: We charge and  
 “ command, that this our declaration, shall  
 “ be henceforward, from time to time,  
 “ received and allowed in all our courts,  
 “ and before all the judges of us, our heirs  
 “ and successors, for a sufficient and lawful  
 “ discharge, payment, and acquittance;  
 “ commanding all and singular our officers,  
 “ and ministers, of us, our heirs, and suc-  
 “ cessors, and injoining them upon pain of  
 “ our high displeasure, that they do not  
 “ presume at any time to attempt any thing  
 “ to the contrary of the premises, or in  
 “ any sort withstand the same.” Can your  
 lordship read this without acknowledging  
 the justice of the claims exhibited by the  
 colonies, and without surprize, that any of  
 his majesty’s servants should presumptuously  
 expose



expose themselves to their master's high displeasure, with which every minister is expressly threatened, who in any manner attempts the taxation of this province; and if the charters of some of the colonies do not contain express clauses of exemption from foreign taxation equally positive, their omission can only be attributed to a persuasion of their inutility, and not to any regard to future claims on the colonies; since every transaction and circumstance, relative to this subject, conspires to prove that no idea of subjecting them to parliamentary taxation was then formed, nor during a long series of succeeding years, in which this kingdom saw itself governed by corrupt parliaments, and factious ministers and actually suffered a revolution.

That being reserved for a more recent æra; when the British ministry, embarrassed by the arrears of the civil list, (unable any longer to provide for the purposes of venality and corruption) and tired with the reite-

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rated importunities of their dependants, (for whom no adequate provisions could be made, as the advantage arising from the disposal of places, was already anticipated, by reversionary grants of all the most lucrative sine cures, in the kingdom;) first formed the design of raising a revenue from the colonies; and as the then prime minister was perfectly versed in all the arts necessary for securing a parliamentary majority he thought it most eligible for obvious reasons to invest the British parliament with a new right of granting to his majesty the property of his American subjects, instead of requiring aid from their general assemblies, agreeable to the constitutional practice of every preceding administration.

The parliament, flattered with the idea of an increase of power, accepted the right with which the ministry, from corrupt views, had complimented them, though an actual innovation till then unclaimed, and I believe unthought of. To render their pretensions to this right the more plausible, the minister artfully

artfully endeavoured, to confound the original distinctions which the colonies derived from their charters; and contract them within the limits of this kingdom, and consequently within the extent of parliamentary jurisdiction, by denying the validity of their several charters; thereby insulting the royal prerogative, by which they had been constitutionally granted, and trampling under foot the natural rights of his majesty's American subjects; forgetting that the grants and charters from the crown, by which the commons of this kingdom enjoy an exclusive right of taxing their constituents, were confirmed by the same sovereign prerogative which granted the charters and privileges of the colonies; which of consequence ought to be esteemed as sacred as our great charter of liberty; forgetting also that these privileges are vested in the commons of this kingdom, to enable them to protect the property of their constituents, not to usurp that of any other part of his majesty's subjects.



Had the commons attended to these obvious particulars, they would neither have disputed a prerogative, which supports their own political existence, nor usurped that authority which by the same prerogative is constitutionally lodged in the assemblies of our colonies. But, instead of attending to these cogent reasons, they passed the late stamp-act for granting his majesty a revenue from the colonies, whilst they, and their constituents, were exempt from contributing to the donation, thereby reducing the king's American subjects to actual slavery, agreeable to the idea invariably entertained of that odious state.

Alarming as this attempt on their natural and constitutional rights ought to have been, its evils were aggravated by preceding grievances; they were then involved in heavy debts incurred for the support of the late war, and which they were the less able to discharge, by a diminution in the value of their land, consequent to the acquisition of new territory, ceded to his majesty by the  
1
late

late peace ; an acquisition, of which their troops had been denied a share, with the rest of the king's forces serving in America ; though encouraged to expect it by his late majesty's proclamation ; but neither the insult of these injurious distinctions, nor the oppression of their debts were their only grievancies : they were particularly embarrassed, by the commercial regulations of this kingdom, and, in several particulars, excluded from manufacturing the produce of their own lands for their own use ; a right entailed on all mankind, by an eternal law of nature.

As members of a great empire, united under one sovereign, they had tacitly submitted to the superintending authority of the British parliament, in making laws to regulate the commercial intercourse and connection of the whole, though they had found their regulations in several instances partial, and calculated more for the particular emolument of this kingdom than the mutual advantage of the whole empire ; to these, however, they had made no resistance from

from their natural repugnance to a contention with their parent country, and still continue to acknowledge our claims over their commerce, though I am fully convinced they can be supported on no other reasonable foundation than the concessions made by the colonies; concessions from which they have suffered a variety of commercial embarrassments, particularly by acts of parliament against their making steel or erecting steel furnaces, and against plating and slitting mills, &c. for manufacturing iron (the produce of their own country) for their own uses. By our restraints on hatters, and the exportation of hats, and on their logwood trade; as also by a prohibition against transporting wool or woollen manufactures from one colony to another, and likewise by reducing them to the necessity of purchasing our European and India goods at a price greater, by thirty or forty *per cent.* than that at which they are sold in Holland. To these let me add, as the effects of Grenvillian measures (ever absurd and ultimately ruinous to this kingdom) the oppressive



pressive embarrassments laid on the trade of the colonies to Spain and Portugal, by which they were compelled to undertake expensive unnecessary voyages from those countries to England, for the purpose of landing their commodities, paying duties, and afterwards reshipping them for America; and also the restraints on their fishery, together with those regulations which eventually effected the intire loss of that commerce with the Spanish settlements in America, which had proved a fruitful source of wealth to the colonies, and furnished them with large quantities of silver, which was constantly paid to this kingdom in return for our manufactures; a loss which was soon aggravated by an act of the British parliament, for prohibiting the importation of foreign rum into the colonies, and imposing duties on foreign sugar, molasses, &c. An act carried through both houses of parliament, at the instance of the West India planters, by ministerial influence, as a reward for their services in voting adequate a peace which, disinterested posterity

terity will — By this act the trade to the French, Dutch, and Danish settlements in the West Indies, and which had afforded the northern colonies an advantageous mart for their bulky commodities (the profits of which ultimately centered in England) was ruined.

In this impoverished situation, struggling under these accumulated grievances, they were alarmed by the late stamp act, which threatened the intire subversion of their freedom. Had our ministers proceeded by more cautious and gradual advances towards the object of their views, they would doubtless have succeeded in exterminating American liberty; through the unsuspecting confidence which the colonies reposed in the equity and moderation of their parent country, and their natural affection to this kingdom, so repugnant to a contention with its parliament. But stamp duties were till then unknown in America, and were granted by men over whom they had no constitutional influence and against their express remonstrances.

frances. They considered that the legislative authority of this kingdom originally consisted of an assemblage of all who were to be governed by the laws, made by this authority, and that though the inconveniences resulting from the general attendance of all the people, had introduced the election of delegate, whilst the king and lords, being fewer in number, continued to assemble personally, yet the constitutions and nature of parliament (in which the colonies had not one delegate) was in no respect altered: they could not believe, therefore, that the representatives of the inhabitants of this kingdom, could justly controul the property of three millions of people in America, born to the same rights as themselves: they considered that to obey laws made without the assent of the governed was the peculiar, the miserable characteristic of slaves, and that they must necessarily be of the number of those unhappy wretches, if they obeyed, an act of parliament violating the express privileges of their charters, and establishing a precedent for the unlimited usurpation of their property against their consent. In these

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circumstances



circumstances they perceived the necessity of resisting; and their opposition, though languid at first, soon became more violent, and like fame,

*Mobilitate viget viresque acquirit eundo.*

VIRG.

The firmness and unanimity of their resistance, cooperating with the happy change of administration, procured the repeal of that unconstitutional act. Thus the temerity and precipitation of Mr. Grenville, (though his intentions were the most unfavourable to the colonies) have produced effects that, must ultimately establish that freedom which a less audacious minister might have successfully invaded; but that this repeal might not invalidate the right claimed by parliament over the colonies, it was preceded by an act asserting, that the British parliament, has a right to make laws in all cases binding on the colonies; and the extent of this assertion was, the next session, declared by an act imposing duties on paper, glass, &c. imported into the colonies. In this second attempt

attempt for taxing America, the manner was, indeed somewhat varied, without alleviating the grievance ; it was still an attempt to usurp their property against their consent, and ungenerously exclude them from the enjoyment of those privileges of which we ourselves are so tenacious. The commons of this kingdom again forgot that the end of their political existence was to secure the rights of Britons, not usurp those of Americans ; and again attempted to render the colonies not only subjects to his majesty, but to the king's British subjects, and to exercise over them an authority as despotic as that of the most absolute monarch in Europe.

I had, with pleasure, observed the gratitude with which the colonies received the repeal of the stamp act, and their impatience to obliterate every thought injurious to their parent country ; and was sensibly grieved that they were no longer permitted to continue in that happy disposition ; and that their distrust and jealousy of our designs on

their freedom were so soon revived by this second attempt to raise a revenue from them by parliamentary authority; a revenue which became particularly grievous from the mode of its application; being destined not only to support a number of new and oppressive officers, (who have since insulted them with all the insolence of delegated power, and its attendant pomp, rendered more odious by the poignant reflection, that it is all maintained by the property cruelly extorted from the vitals of an impoverished people) but also to destroy the just and constitutional influence of their general assemblies, by furnishing large salaries to their governors, judges, and other executive officers (who are such only during the king's pleasure) thereby rendering them, as well as the defence of the country, independent on the people, and endangering their security by subjecting them, both in life and property, to an arbitrary power which they have neither delegated nor entrusted to those by whom it is exercised; and this, my lord, in actual violation of the privileges not only of their own charters but of the Magna Charta of this kingdom, which in the present circumstances



circumstances positively exempt the colonies from parliamentary taxation.—Taxation and representation are inseparably connected by an unabrogable law of nature : a law coeval with the existence of property and which by our great charter of liberty, has been confirmed to all British subjects, so that if we could justly invalidate the several provincial charters, and confound their inhabitants with the subjects of this kingdom. Parliamentary taxation would still be unconstitutional, unless they enjoyed an actual representation ; which to pretend at present is an absurdity too gross to deserve a serious refutation : and yet your lordship's advocates are frequently guilty of this absurdity, which may be sufficiently exposed, by considering the origin of the English constitution, introduced by our Saxon auxillaries, who after subduing the kingdom, divided the land among individuals, in proportion to their rank in the nation ; and every freeman who by this division became a freeholder ; was then a member of their *Witten Gemott* or parliament ; commerce had not then introduced opulence ; and our trading companies, with that vast accumulation of wealth ; the pub-

lic funds, had no existence. At that era lands were the only property which could be considered as a local attachment in the possessor, and all who had no share in this species of property were justly excluded from a seat in the national assembly. The inconveniencies resulting from the personal attendance of every individual, introduced the election of delegates or representatives : The precise era of this introduction, history does not determine ; it however appears from statute 1st Hen. v. Ch. 1st. That every freeholder however small his freehold, had then a right to vote for representatives for the county in which he was resident, at the date of the writ for election ; a privilege which was afterwards by statute viii. Hen. vi. ch. 7. torn from the proprietors of freeholds, not yielding an annual profit of forty-shillings, who from the smallness of their property, were confounded with those who were considered as having no local or permanent attachment to the kingdom, and not only denied a share in its legislation, but subjected to taxation by an assembly, in which they had no representation, and consequently

frequently deprived of one of the most valuable rights of Englishmen ; as are all the stockholders, many of the merchants and persons of extensive property, together with the greatest part of the inhabitants of this kingdom ; and pity it is, that this defect in our present constitution was not remedied.

When the great charter of English liberty was granted by king John, local property was the only object of taxation, and as all who had freeholds, (however small) were then intitled to vote at elections, consequently none were taxed but by their own representatives : Impositions however having been since extended to a variety of other articles, affecting equally those who have, and have not freeholds, innovations have been produced, repugnant to the original purity of our constitution, which intended that property, the fruit of lawful industry, should never be taken from the possessor, without his consent : But the present deviations from this equitable intention, ought to be considered, as grievances demanding redress, rather than precedents, to authorize



authorize an extension of injustice to the colonies.

I know, and will acknowledge, my lord, that the inhabitants of this kingdom, who do not actually vote for members of parliament, are not duly represented, but yet they owe obedience to our laws, from the benefit and protection they receive from them, and the non-exercise of that right, which is vested in every individual, to withdraw from a society whose laws are not equitable or consistent with his interest; they are however secured from unreasonable impositions, because the members of the house of commons, cannot tax them, without involving themselves and constituents in the taxation; but the situation of the colonies is very dissimilar; as they have no such security, and besides, have availed themselves of their natural right, and retired to a distant, uncultivated country, becoming separate states, with distinct charters and privileges; to this let me add, that by the constitution of this kingdom, every individual possessed of a freehold,

freehold, of the yearly value of forty-shillings, has a right to an actual vote for representatives in parliament; and though there are several hundred thousands of such freeholders in the colonies, yet not one of them, has a vote for a single member of the house of commons; this, my lord, is a fact, which alone demonstrates that the colonies are not represented in parliament, agreeable even to the present partial mode of representation; and incontestibly exposes the fallacy and absurdity of the arguments urged to the contrary by your lordship's advocates, and sufficiently proves that the extension of taxation to the colonies, is doubly unjust, as an infringement not only of their own charters, but of ours; and I cannot but think, that every man, however elevated his situation, who advises coercive measures, to extort money from them, in an unconstitutional manner, is influenced by principles as iniquitous as those which actuate the robber. I need not therefore explain my opinion of the minister, who could wantonly order troops to B—n, to enforce a submission to his measures.

G

There

There are some who, though conscious that taxing the colonies is repugnant to the principles of our constitution, yet attempt to justify it from a pretended fitness and rectitude in the measure, and an imaginary justice and necessity in compelling the colonies to contribute to the support of government, and repay to this kingdom the charges of defence and protection. These however are but poor pretences: their governments are maintained at their own expence, and they owe us nothing on the score of protection.

All the subjects of a prince, however dis-united into various states, are equally exposed to hostilities from an enemy, whenever war is declared against their common sovereign; from which it becomes a duty reciprocally incumbent on all, to afford each other mutual aid and protection; without charging any thing to the particular state against which the operations of the enemy are principally directed. Upon these equitable principles, the colonies have ever regulated their conduct — all the wars in which they have been engaged



engaged by this kingdom, had their origin from views intirely British; yet in every one of these, our then infant colonies, contributed their utmost assistance: their auxiliaries invariably co-operated with our troops in all the expeditons against Canada, at the attack on Carthagena, and every other operation of importance in America: in the war preceding the last, they, at their own motion, undertook, and, executed the conquest of Louisburgh; and thereby gave peace to Europe, as that single acquisition was, at the ensuing treaty, considered as an equivalent for all the conquests made by our enemies, and afterwards restored to France, for the recovery of possessions in which the colonies had not the most distant interest. Their assemblies however imposed no taxes on Great-Britain, to recover the expence of this conquest; though as distinct states, such a measure would in no respect have been more absurd, than our pretence of taxing them, to regain the expence of our military operations in America during the last war; a war which is the burthen of ministerial declamation, though the misconduct of the colonies in no respect contributed to engage us therein:

they continued in peace with all their neighbours, till the French erected forts in his majesty's uncultivated territories in America, in which Great-Britain, was as much interested as the colonies : to repel these encroachments, no declaration of war was necessary ; and this the colonies undertook, by direction from his majesty, near two years before any such declaration was published ; and if Great-Britain chose afterwards to enter into a general war with France, are the colonies to be charged with the enormous expence of that measure ? We indeed sent troops to America to oppose those of France on that continent ; but can that afford a reasonable pretence for raising unconstitutional claims on the colonies ? Had the French landed in Cornwall, and all the force of this kingdom been employed against them there, should we have expected that single county to have reimbursed the expence ? Would it have been more advantageous to Great-Britain, to have engaged the French in Germany, than in America, where our operations were assisted by the colonies, or to have expended our treasure in a foreign country

country, rather than amongst our American subjects, by whom it was immediately repaid to this kingdom, for our manufactures? Surely your lordship must acknowledge that the partial diversion of the war from Germany to America was advantageous to this kingdom, and a measure which cannot afford the least pretence for taxing the colonies, especially as our troops were sent thither not so much for protecting the inhabitants as for extending our conquests to that country.

The defence afforded the colonies has been either ignorantly or wickedly aggravated, to inflame the minds of Britons, and justify our usurpations on the rights of America. It is however notorious, that except Nova Scotia and Georgia (brats generated by ministerial favour) not one of the colonies received the least aid from our government in their settlement; and as for protection we never offered it to them in their infancy; and of later years they have neither wanted nor received any, except such as the king's navy has afforded their trade, (in common  
with



with that of Portugal, &c.) the advantages of which have infinitely exceeded all the expence this kingdom ever has, or ever can incur, on that account : but was the case otherwise, and had we a right to expect a contribution from the colonies, towards the national expence, why should we deny them the privilege of making it voluntary, and the pleasing opportunity of demonstrating their affections and loyalty to their sovereign, by giving him a part of their own 'property, agreeable to their natural and constitutional rights, which to their honour they have so often exercised for his majesty's service.

Had we not the strongest presumption that they would still continue to afford an equitable contribution to the common expence, from their liberality on former occasions, particularly during the last war. When they exerted themselves so unequally in the common service, that the British parliament thought it a duty, to grant them considerable sums to compensate the disproportion of their service ; and your lordship

will please to observe, that this conduct of parliament, affords the most convincing testimony that the nation, at the conclusion of the last war, thought the colonies no ways indebted to us on the score of protection; since in that case, the grant of pecuniary compensations, to those had not borne an equal share of the public burthen, would have been the most consummate absurdity; if then we had no demands on the colonies prior to the conclusion of the last war, they must necessarily have arisen since that æra; and yet it is hardly credible that a people who, when few in number, were able to defend themselves, even in a time of war, should, when increased to three millions, and in a time of profound peace, necessarily incur a debt to this kingdom for their protection: a considerable number of troops have indeed been stationed in America since the war, but for what purpose? — Two or three regiments might have been usefully garrisoned in the new conquered provinces, though we could have had no claims on the other colonies for their support; since the emoluments arising  
from

from these conquests, have been confined solely to this kingdom (the colonies having been considerably impoverished by these very acquisitions) and if the emoluments arising from them, are insufficient to defray the charges of their preservation in a time of peace, it must be acknowledged that we have abundant cause to admire the sagacity and patriotism of our peace-makers, in embarrassing us with new territories, which had better have remained with their original possessors. — As to the troops which have been stationed in the old colonies, to burthen them with their quarters, and affront them with their insolence, they might better have been recalled, (and ten or fifteen regiments reduced, which are now kept on the establishment, not from any necessity in the measure, but to afford full pay to a greater number of officers,) since the colonies will hardly think themselves obliged to support, an army unnecessarily quartered amongst them, against their desire, and stationed, not on their frontiers, but in the heart of a populous country, with design to repress the spirit  
of



liberty, and over-awe them to a timid submission to acts of parliament; an ungenerous design which they have been enabled the better to execute, by an act of parliament made soon after the stamp-act (and for the sole purpose of assisting its execution) to oblige the colonies, at their own expence, to furnish the king's troops with a variety of articles never allowed them in England, and with a clause for empowering military officers, on obtaining a warrant from a justice of peace (which warrant they are commanded to issue without any previous oath) to break open the houses of any of the inhabitants, by night or by day, "under pretence of searching for deserters," for these, my lord, are the very extraordinary words of the act. If therefore troops have been stationed in the colonies originally ours, it has been against their express remonstrances, and not for the purpose of defence, but oppression, the charges of which they can hardly be expected to defray.—Since therefore (as is evident) we had no just demands on the colonies at the conclusion of the

late peace, it is certain none can have justly arisen since that time, and therefore all the arguments to support an imaginary rectitude and fitness in taxing the colonies are absurd.

Need I now, my lord, after having demonstrated both the illegality and injustice of taxing America, to say any thing of its inexpediency? Will nothing be sufficient to deter us from injustice but proving its inutility? Perhaps not; at least I am persuaded nothing but the expectation of advantage from this measure has rendered us so long blind to its injustice.

— *Quid non mortalia pectora cogis, Auri sacra fames?* VIRGIL.

What but avarice could have interrupted the constitutional channel in which all supplies from the colonies to the crown had happily and constantly flowed, and introduced in its stead an attempt for invading their charters and insulting the prerogative by which they were granted?

What

What is but a presumption in our ministers, that a parliament granting the property of others, would grant with unlimited prodigality? In taxing the colonies, the parliament was flattered with an increase of power, and the people of this kingdom with the hopes of relief from the oppression of accumulated taxes. But in this, the former became the tools of ministerial measures, and the latter, the dupes of ministerial artifice, since if the whole property of all the colonies, was deposited in the Treasury of Great Britain, I doubt whether it would abolish a single tax on the articles consumed chiefly by the middling, and inferior people, or in any respect alleviate the weight of their complicated oppression. The extension therefore of parliamentary taxation to the colonies, is calculated only to provide new establishments, for the favourites of ministers, and new supplies for the exigences of corruption, and thereby augment the evils of ministerial influence, already so enormous as to endanger the constitution in this age of venality; since all



who have the administration of publick affairs, and of publick money, however impotent; or ignorant, are ever able to secure a p——y majority for every purpose.

The design of taxing the colonies was the most absurd and fatal measure ever adopted by this kingdom; as it has already diminished our commerce to America, which was our principal support, and must ultimately prove its ruin; whilst the impositions for which have we so greatly suffered are scarce sufficient to pay the swarms of officers employed in collecting them through the wide extent of the king's American provinces. Before the adoption of these measures, the produce of all their circuitous trade, as well as of their industry, was constantly remitted to this kingdom, in return for our manufactures; nor is it possible by taxes to extort a single farthing from them, more than the sum of this produce; all therefore that is involuntarily drawn from them by impositions must necessarily be saved by diminishing the consumption of our commodities; and when  
we

we consider the expence necessary to collect these impositions in a country where they are odious, and where all attempts to elude the vigilance of officers of the revenue, will be favoured and assisted by the people, it must be evident that we are ultimately losers by those very taxes, for which we have justly forfeited, the confidence, and affection of our American fellow subjects. The manufacture of coarse woollen and linen cloths, by the middling and inferior people in the northern colonies, has been established ever since their settlement, and is the only expedient by which the labouring families could find employment there during those long winters, in which they are buried in snow, and which preclude all but domestic labour: more than this it was neither their interest, nor inclination to manufacture before the stamp act: That measure however necessarily engaged them to extend their manufactures, not only to revenge our injustice, but because they were thereby rendered unable to pay for our commodities: a general revolution of manners then extended itself to all ranks of

of people among them, and, the spirit of industry, frugality and economy, sanctified by the enthusiasm of liberty, and patriotism, rendered even ladies of distinction in that country, ambitious of dressing in garments spun with their own hands, nor did this spirit immediately subside by the repeal of the stamp act; and accordingly we find that the sum of our exports to America in 1766, were less than they had been the preceding year: — A little time however would have restored our trade, had not disgust and frugality been revived, in the colonies by a subsequent act of parliament, for imposing duties upon the importation of British commodities into America.

There is a peculiar grievance in these duties as well as in their application. The colonies were prohibited from purchasing these commodities except from Great Britain, and their price being greatly enhanced by the impositions laid on the manufacturers in this kingdom (which are ultimately paid by the Americans) it cannot but be unreasonable to load them with additional



additional duties when imported into the colonies, even if the right of parliament had been undisputed. But the policy of this measure was still more wretched; it not only revived the disgust of the Americans but operated as bounties on their own manufactures, and is I believe the first instance in which duties were ever charged on commodities intended for exportation, in similar circumstances; and when the inhabitants of this kingdom are informed that within the last six months, scarce a news paper has been printed in New England, except on paper manufactured there, and that the manufacture, not only of all the commodities charged with the late duties, but of a variety of other articles, is actually undertaken; will they applaud the sagacity of those measures which have engaged the colonies to enter into combinations against importing our goods, and which naturally tended to ruin our commerce by promoting œconomy and manufactures among them, thereby rendering them independant, and accelerating their disunion from this kingdom: these, my lord,

lord, are impending evils with which we are actually threatened at a time when oppressed [with a most enormous debt, when our trade is universally declining, and our manufacturers starving for want of employment; nor can any thing avert these evils, but an immediate cordial reconciliation with the injured Americans. United with them we shall be a flourishing, and invincible people; but when ever a separation ensues, our declension must necessarily be the consequence, whilst America, from her natural, local, and inherent resources, must, after various vicissitudes, ultimately become a mighty empire.—

The affairs of the colonies have now arrived at the dernier extremity; happy would it have been for us if our measures had not compelled them to determine the extent of parliamentary authority, with such rigid exactness; but the spirit of opposition is now universally established in the colonies, and, by reason and habitude of thinking, so fully confirmed, that nothing more than a temporary submission to parliamentary impositions

impositions will ever be obtained from them except by violence: they have indeed suspended their resistance at present, expecting from the new parliament that redress which is their due, should this be denied them, I must inform your lordship, that from the judgment which a residence of more than twenty years in the different colonies, and some knowledge of their disposition and designs has enabled me to form, I fear that the present tranquility in that part of America, may suffer an interruption which (inconsiderable as your lordship's dependants affect to represent the colonies) may be attended with unhappy consequences; and perhaps hostile measures will be the only alternative to a repeal of the late acts. Must we not then resolve either to renounce our pretensions on the colonies, or to butcher their inhabitants; if this should be the question, no man of common humanity would hesitate a moment in forming his resolutions on this subject, after the illegality, injustice, and in expedience of taxing them has been clearly and incontestibly demonstrated; but this kingdom has the peculiar blessing



of ministers who are actuated by more elevated principles than those of justice, or the public good; and if we may credit the intelligence retailed from the daily papers, concerning the resolves of our righteous and patriotic administration, we may expect an armament will be soon ordered to America, to imbrue their hands in the blood of their countrymen. A measure at which every individual must shudder, who is not steeled against the sensations of humanity. To deter you from this horrid attempt, it is necessary to expose the ruinous consequences which must result therefrom, if happily an attention to these, may have any influence on your conduct.

The force of this kingdom, compared to that of the colonies, is a subject which I would cautiously avoid; but as mistakes in this particular may be attended with the most fatal consequences, [by encouraging malevolent minds, to avail themselves of an imaginary superiority, to perpetuate injustice; I think it necessary to suggest to your lordship, that a militia of eight hundred

thousand

thousand men, naturally brave and hardy, habituated from childhood to the exercise of arms, and animated with the enthusiasm of liberty, or driven to despair, might resist a greater force, than it will ever be consistent with the safety of this kingdom to send on an expedition so distant.

There can be no deception in their number, which is accurately ascertained by a poll tax, on all male adults in the colonies; and as they are all (except Pennsylvania) provided with a militia law, from which no male inhabitants between the age of sixteen and sixty is exempt; and are besides familiarized to hunting, and the use of arms; I cannot but think them as fit for service in a rough woody American country, as any regiments which your lordship can order thither (on that just and humane expedition) those only excepted, who have already served in that country. Whether therefore we should be able to subject the resisting colonies, by force is with me a question, at least the Helvetic Cantons, the United Provinces, and Corsica, afford pertinent proofs

of the difficulty in subduing an inconsiderable people engaged in, and animated by the cause of liberty.

God forbid that the force of the colonies should ever be opposed to their parent country, or that this kingdom, by hostile measures, should ever drive them to actual resistance; and detested be those pestilential wretches, who would promote such mutual, such unnatural, destruction; but should their diabolical councils be adopted, and their execution be attended with all the success necessary to gratify their inhuman wishes; in short should we by superior force reduce the colonies to the most abject submission, what are to be the happy fruits of our cruelty and injustice? What advantage can we possibly derive from a people oppressed and disaffected by the unrighteous exercise of power? Will they when thus disgusted and discouraged, improve that precarious property, whose possession must depend on the arbitrary will of a parliament, in which they have neither representation nor constitutional influence?

Or



Or will they, by unparalelled industry, continue to support a circuitous extensive trade to acquire money from foreigners to pay our illegal taxes, or purchase our manufactures? No, my lord, the ruin of the colonies must ruin our commerce, and overturn the pillars of state. But could they be subjected at less expence, would superior force authorize injustice? Shall a generous and humane nation, that has so often protected the liberties of others, and not only feels for the struggling Corsicans, but detests that policy which has stiled them rebels, be inflamed into an unnatural attempt, to tear from her children, by violence, the only privilege which constitutes the distinction between freedom and slavery? No, I have better hopes!

The People of Great Britain ever just, are recovering from the delusion of ministerial artifices; truth is beaming through the midst of scurrility and falshood, in which it has been invellaped by your Mentors and other scriblers, unworthy to be named. (Venal wretches, whose dulness  
and

and ignorance can only be equalled by their impudence, and falsity, and whose total want of argument sufficiently precludes them from the charge of sophistry.) They perceive the absurdity of charging the colonies with want of duty, whilst our conduct towards them is unnatural and oppressive; they reflect, that before the late stamp act, none of his majesty's subjects were more distinguished for loyalty and obedience, and that as we have confessedly been the aggressors in the present contest, all the consequences are justly chargeable on ourselves. They consider that those who will trample under foot the liberties of one part of his majesty's subjects, will not hesitate in violating those of the rest; that it is the same party that endeavours to repress the spirit of freedom in this kingdom that would enslave the colonies, and that the same men and principles which perpetrated the massacre on the 10th of May, have ordered troops to America.

The friends of British and American liberty, thus enlightened, perceive that they  
have

have the same interest, and the same enemies, and will execrate the authors of their mutual oppression.

It is absurd, my lord, to pretend that the dependance of the colonies cannot be secured but by these unconstitutional measures; if there is any man who cannot form an idea of supremacy without the right of taxation, he may read it in the history of our colonies, where he will find them enjoying, an exclusive right of taxation, whilst the executive authority of government was lodged in the crown and its representatives, and the British parliament by its laws restrained and regulated their commerce for our mutual advantage; upon these principles, and with these connections, their dependance was sufficiently secured, and the parent country was content with the just exercise of her supremacy, to which the colonies with undeviating constancy yielded a submission truly filial; whilst the fruits of all their industry, ultimately centered in this kingdom, as naturally as streams run to the ocean; till this happy intercourse  
of



of mutual advantage and affection was unnecessarily and wantonly interrupted by those pestilential measures, which we have not yet resolved to renounce; and which you, my lord, have pursued with an avidity which has reduced the affairs of America to the most alarming situation: when you unhappily assumed the administration of these affairs, all was quiet in the colonies, but eager to act the part of a spirited minister, you wantonly wrote a letter dictated by equal \_\_\_\_\_ and \_\_\_\_\_ to the governor of Massachusetts Bay, relative to the circular letter of the house of representatives in that respectable province, which you imprudently stiled “ a measure of a  
 “ most dangerous and factious tendency,  
 “ calculated to inflame the minds of his  
 “ majesty’s good subjects in the colonies, to  
 “ promote unwarrantable combinations, to  
 “ excite and encourage an open opposition  
 “ to, and denial of, the authority of parliament, and to subvert the true principles  
 “ of the constitution,” and by making an unwarrantable requisition, dishonoured the royal prerogative.

To

To petition the king for a redress of grievances, is the acknowledged right of every subject, and to stigmatize an invitation to exercise this right, with the scurrilous and opprobrious epithets which I have just recited, and require, the representatives of a free and respectable people to rescind this invitation of a former house, and threaten their refusal with a deprivation of their political existence, was an example of ministerial arrogance but rarely observed in this kingdom \*; and the humiliating reception with

\* To offer to the representatives of a free people, the alternative of an implicit submission to an arbitrary mandate, or instant dissolution is a measure similar to that exercised towards the English House of Commons, in the arbitrary reign of James the First, which that assembly by a vote, justly declared, a violation of the freedom of the House. The general assembly of Massachusetts Bay, is the House of Commons of that province; nor could its deliberations be constitutionally free on any requisition, whilst overawed by a penalty, annexed to their refusal. 'Tis this penal mandate, that has been the source of every disorder at Boston, subsequent to that unconstitutional

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measure

with which it was attended, would have been naturally predicted by any person moderately acquainted with the temper of those to whom it was addressed. But as the character of a spirited minister was the principal object of your ambition, you resolved not to desist from your attempts by a single repulse. “ *Mene incepto, desistere victam*”

measure, and which are the portentuous effects of your spirited conduct, that has a natural and necessary tendency to alinate irrecoverably, the affection of his Majesty's American subjects, and render them our future enemies, alarming ideas ! ——— To the facts urged in the former part of this letter, to prove the independance of the colonies, I might have alledged what I then forgot, that in the reign of Charles the First, when the parliament was meditating a bill relating to the external regulation of the colonies ; the two houses received a message from his Majesty, informing them, that the colonies were the king's colonies, and not the objects of parliamentary legislation ; and that the privy council would take order in the matters relating to them, and the bill was accordingly laid aside. Another argument in their favour is, that the house of Lords, which is the supreme court of judicature in this kingdom, has never exercised any judicial authority over the colonies ; the *dernier resort* in all appeals from America, having been invariably, to the king in council.

was



was a frequent soliloquy, which produced a resolution of affording the nation some convincing proofs of your amazing intrepidity; and the menacing insults of the officer of the customs at Boston, having produced a trivial disturbance among a few of the populace there, you bravely procured a resolution of council for sending a military force to that province. If men of prudence, and discernment, have till lately pitied the ignorance and prejudice which promoted that measure, the unhappy consequences, with which it will soon be attended (if our fears are not premature) will necessarily raise our indignation. A bare report of the destination of these troops, has occasioned a meeting of the town of Boston, with acts and resolves as spirited as your lordship's conduct; and these have already produced a committed of convention from almost all the towns in that province, and engaged the inhabitants to provide themselves with arms under pretence of expecting a war with France; if effects like these have resulted from the bare expectation of troops among them, what unhappy, what alarming consequences may we

not expect from their actual arrival, at least, if they obstruct the execution of the civil government, or irritate the people by any acts of violence; † what advantage you could possibly propose from this measure, I cannot

† Since this letter was finished for the press, advice has been received that the troops ordered from Halifax to Boston, to appease disorders of ministerial creation, have arrived, and landed without opposition from the Inhabitants; an event which has afforded cause of triumph to the mistaken enemies of American freedom, who vainly boast of it, as a trial of strength and courage, between this kingdom and the colonies, and the friends of Mr. G——e, have from this experiment taken occasion to lament that similar measures had not been pursued, for enforcing the stamp act, deluded mortals! who know not that the very object of your exaltation is pregnant with the most alarming evils; after the colonies have exposed their grievances and implored justice, if instead of attending to their complaints, we have treated them with menacing scurrility, and sent an armed force to intimidate and repress the spirit of liberty among them; who that is acquainted with human nature, but must know, that lasting enmity will succeed their former affection to this kingdom; — resentment will actuate men to revenge themselves even at the expence of their own advantage, and that the Americans are not insensible to this passion is a truth which

not conceive; But from the number of these troops, they could not be intended to exterminate the inhabitants, or oppose the civil authority in that country, and if you supposed

which the merchants and manufacturers of this kingdom may too soon experience, and we shall then learn to estimate the value of American commerce from the consequences attending it's loss. — If your lordship ever expected that the inhabitants of Boston would oppose the landing of the King's troops, you certainly knew very little of their temper or designs: they acknowledge his Majesty's right to station his troops in any part of his dominions, where they are thought necessary, provided they are kept in subjection to the civil authority, and as they have not even refused the payment of those impositions, which they deem unconstitutional, could it be expected that they would resist a measure which they acknowledge to be a legal exercise of the King's prerogative? surely not. — Every circumstance however relating to this subject, demonstrates that their conduct has in no respect been dictated by fear, but a regard to the interest of the colonies in general (which they are unwilling to injure by imprudence or rashness) and to the laws and government of their country in particular, which they declare themselves resolved to observe with the utmost exactness; and to countenance no one in a deviation from this resolution, fully persuaded



supposed they would ever be called to it's support, you have betrayed a culpable ignorance, since except their governor, and a few of his venal junto, no provincial magistrate will be found so steeled against the sensations of justice and humanity, as wantonly to order troops to fire on an unarmed populace, and repeat in America the tragic scene exhibited in St. George's Fields.

suaded that the *Posse Comitatus* when legally called in aid of the civil authority, will be able to preserve to them the enjoyment of their rights, against any force which may attempt their invasion. The number of male adults who paid the poll-tax in 1767, within the four New-England colonies only, amounted to two hundred and thirty thousand; as all these compose a militia regularly trained, you will not be so weak or vain as to imagine that the petty armament which you have ordered to Boston, has produced any other effect than that of inspiring the inhabitants with disgust and resentment. No, my lord, the colonies have never wished for a separation from Great-Britain; how soon they may, a farther pursuit of violent measures may soon determine; but whenever that happens, the consequences will perhaps teach your lordship, that their subjection is not to be secured by a military force, much less by your official mandates, important as they may appear to yourself.

In

In short, the inconsiderable number of troops which you have ordered to Boston, could only serve to irritate the inhabitants, and produce those consequences which have ensued, and which before that measure was fully adopted were fully predicted, and I wish for the sake of posterity you had regarded these predictions. Irritating the colonies, is like maltreating a growing youth, who will soon be able to revenge his injuries; since according to the most accurate calculations, their inhabitants double once in twenty five years, and their numbers agreeable to this rapid increase in another century, will amount to forty eight millions. The time therefore must soon arrive when other motives than force will be requisite to secure the dependance of the colonies; and it will then be of importance to this kingdom to have preserved their affection by a just and parental treatment.

The increase of the colonies cannot be prevented; let us then convert it to our advantage, and recover their natural esteem and confidence by disclaiming all unconstitutional pretensions on the rights they have so long

long enjoyed, and contenting ourselves with their voluntary aids, and the advantages we derive from restraining their commerce to the channels of our own interest; advantages from which this kingdom receives annually two millions; a sum which carried us triumphantly through the last war, if we may credit the public declaration of the greatest patriot that ever administered the affairs of this nation. And do you, my lord, endeavour to procure the recall of those troops which have been so unnecessarily ordered to Boston, to create rather than appease disorders; and displace a governor, whose artful factious and malevolent conduct towards the province in which he presides, has long rendered him detestable in America, and who has exposed the dignity of his office to contempt by a sordid avarice, which descends so low as to expose to sale in the street, of his residence, and by his own servants, the very greens produced in the provincial garden.

By a pursuit of these measures, the present evils may be averted; by neglecting them, I fear the pernicious consequences will soon teach us, to revere the equity and moderation.



moderation of a *Camden, Rockingham, Chat-*  
*ham, Barry*, and other illustrious patriots,  
 whose virtue like that of Aristides the just,  
 denied assent, even to the measures of their  
 country, when incompatible with justice, and  
 who are perpetuating their memory, on  
 the noblest of all plans, that of doing good.

*Quique sui memores, alios fecere merendo.*

VIRG.

These, my lord, are men who may then  
 survive to receive from their ruined country,  
 the melancholy glory of her acknowledg-  
 ment, that their councils if regarded woul-  
 have saved her : Whilst Britons taught by  
 fatal experience, will execrate the authors of  
 those measures which will have proved their  
 ruin. As a return to justice, and modera-  
 tion is still possible, it depends on your lord-  
 ship to determine, whether you will be in  
 the number of the latter ; and yours must  
 be the consequences of your choice. *Si no-*  
*lis sanus curres hydropicus.*

I am, my Lord,

Your Lordship's

Most humble Servant.

L

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# APPENDIX.

CONTAINING

A LETTER

TO THE

AUTHOR of a PAMPHLET,

INTITULED,

The CONSTITUTIONAL RIGHT of the  
LEGISLATURE of GREAT BRITAIN,  
to TAX the BRITISH COLONIES in  
AMERICA, &c.

SIR,

SINCE the foregoing letter was sent  
to the press, I have perused your  
pamphlet, and find you to be the first  
person who has had the honesty to acknow-  
ledge that the colonies cannot be taxed con-  
sistent

sistent with the rights of Britons, and the presumption to assert that they ought not to be allowed those rights: an assertion so very extraordinary, that I cannot but think it deserves repretension. You profess to have no private interest in the publication of your sagacious letters, but there are many circumstances which conspire to render it apparent that your professions are by no means just or sincere, since in many parts of your venal production, you evidently betray a conscience of the weakness and futility of your own reasoning, which has engaged you, to dispose the subject in a variety of attitudes, that by a multiplicity of weak and falacious arguments, you might supply the want of one just and solid reason, and by laboured artifice, confound the natural distinctions between *right* and *wrong*.

You begin by observing that from the first settlement of our American colonies to the present period, it is impossible to find “ one instance of conduct in the ministry, and “ legislature of Great Britain, tending to- “ wards the establishment of any system of



“ government natural and proper to their  
 “ situation and condition as provinces.”

It is indeed true, that no provision was made for subjecting them to that unjust subordination, which you call provincial government, and I have in the foregoing letter sufficiently proved that no idea of that species of government was formed before the fatal æra of Grenvillian administration ; but a more equitable and advantageous constitution was originally established in the colonies by the king, and recognized by the parliament of this kingdom, on principles specified in their charters which invest their assemblies with the exclusive right of making laws for their government and taxation, but at the same time, amply secure to the king their allegiance, to the nation their connection, and to themselves the indefeasible rights of Englishmen.

To destroy a government established on these wise and equitable principles is the *laudable* design of your *disinterested* undertaking ; for this purpose you introduce a  
 com-

commentary on the arguments of a great politician, who denied the right of parliament to tax the colonies, yet asserted the sovereignty of the parent country in regulating their trade. This you call a political absurdity and endeavour to maintain that sovereignty cannot exist without a right of taxation. But you ought to remember that the sovereignty allowed this kingdom, by the colonies, is limited to commerical regulations, and was not assumed by parliament before the latter part of the reign Charles the second, and in opposition to remonstrances made by the colonies and in violation of their supposed rights; yet from this assumption you endeavour, as a necessary consequence, to support the right of taxation; it being an absurdity of reasoning peculiar to yourself to attempt the justification of one wrong by another. But to expose the futility of your arguments on this subject, and prove that taxation is not necessarily connected with sovereignty, I shall transcribe a few sentences from the great Locke, \* whose reasons are neither partial or applicable to any particular people, but to every government on earth.

“ The

\* Vid, Treatise on Government.

“ The supreme power cannot take from  
 “ any man part of his property without his  
 “ own consent, for the preservation of pro-  
 “ perty being the end of government, and  
 “ that for which men enter into society, it  
 “ necessarily supposes and requires that the  
 “ people should have property, without  
 “ which they must be supposed to loose,  
 “ that by entering into society, which was  
 “ the end for which they entered into it;  
 “ too gross an absurdity for any man to  
 “ own. Men therefore in society, having  
 “ property, they must have such a right to  
 “ the goods, which by the laws of the  
 “ community are theirs, that no body hath  
 “ a right to take their substance, or any  
 “ part of it from them, without their con-  
 “ sent; without this they have no proper-  
 “ ty at all, for I have no property in that  
 “ which another can by right take from  
 “ me, when he pleases against my consent.  
 “ Hence it is a mistake to think that the  
 “ supreme or legislative power of the com-  
 “ munity can do what it will, or dispose of  
 “ the estates of the subject arbitrarily, or  
 “ or take any part of them at pleasure. But govern-



“ government into whatever hands it is put;  
 “ being entrusted with this condition, and  
 “ for this end, that men might have and se-  
 “ cure their properties, so the prince or se-  
 “ nate, however it may have power to make  
 “ laws for regulating of property, between  
 “ the subjects, one amongst another, yet can  
 “ never have a power to take it to itself the  
 “ whole or any part of the subjects proper-  
 “ ty without their own consent, for this  
 “ would be in effect to leave them no pro-  
 “ perty at all ; and to let us see that even  
 “ absolute power where it is necessary, is  
 “ not arbitrary by being absolute, but is still  
 “ limited by reason, and confined to those  
 “ ends which required it in some cases to  
 “ be absolute, we need look no farther  
 “ than the common practice of martial dis-  
 “ cipline. The preservation of the army  
 “ and in it of the whole commonwealth  
 “ requires an absolute obedience to the  
 “ commands of every superior officer, and  
 “ it is justly death to disobey or dispute the  
 “ most dangerous or unreasonable of them ;  
 “ but yet we see that the serjeant, who could  
 “ command a soldier to march up to the  
 “ mouth

“ mouth of a cannon, or stand in a breach  
 “ where he is almost sure to perish, can-  
 “ not command the soldier to give him one  
 “ penny of his money ; and the general  
 “ who can condemn him to death, for de-  
 “ serting his post, or not obeying his most  
 “ desperate orders, cannot yet with all his  
 “ absolute power of life and death, dispose  
 “ of one farthing of that soldier’s estate, or  
 “ seize one jott of his goods, whom yet he  
 “ can command to every other thing, and  
 “ hang for the least disobedience, because  
 “ such blind obedience was necessary to that  
 “ end for which the commander has his  
 “ power, viz. the preservation of the rest :  
 “ but the disposal of his goods has nothing  
 “ to do with it.”

“ ’Tis true, government cannot be sup-  
 “ ported without great charge, and it is fit  
 “ every one who enjoys a share of the pro-  
 “ tection shall pay out of his estate his pro-  
 “ portion for the maintenance of it ; but  
 “ still it must be with his own consent,  
 “ *the consent of the majority giving it either*  
 “ *by themselves or their representatives*  
 “ *chosen by them.* For if any one shall claim

“ a power to lay and levy taxes on the peo-  
 “ ple by his own authority, without such  
 “ consent of the people, he thereby invades  
 “ the law of property and subverts the end  
 “ of government ; for what property have  
 “ I in that which another may by right  
 “ take whenever he pleases to himself.”

These Sir, are irresistible arguments, urg-  
 ed by the great Locke, for no partial pur-  
 pose, long before the idea of taxing the co-  
 lonies was ever conceived ; and their irresist-  
 ible cogency, necessarily overthrows every  
 argument contained in your pamphlet, and  
 incontestibly demonstrates that the colonies  
 cannot be taxed by parliament, consistent  
 with the principles of justice and the Bri-  
 tish constitution. It is absurd to pretend  
 that these arguments have no application to  
 the colonies ; they are pertinent to all who  
 have property, and you must necessarily ex-  
 clude the very idea of property from the co-  
 lonies in your new unwarrantable system of  
 provincial government, or acknowledge that  
 it cannot be taken from them by the British  
 legislature, in which they are unrepresented.

M

Much



Much has been said on the subject of representation with design to prove, by falacious sophistry, in opposition to common sense, that the Americans are represented in parliament; for this purpose the idea of an imaginary virtual representation has been introduced; and it has been asserted that the house of commons does not represent those, by whom its members are elected, but the whole British Empire collectively. This is indeed an assertion which cannot be supported by one fact or circumstance, though it is opposed by hundreds; but to expose its falsity, I need only ask, what part of the nation the representatives for London, consult on any dubious or critical question; and to whom does that or any other corporation represented in parliament direct its instructions on important and difficult occasions? Is it to the members elected by themselves, or to those chosen by any part of the community indiscriminately? Is it not always expected, that the representatives of a particular corporation, deliver the sentiments and act agreeable to the instructions

tions of the corporation by them represented ? The natural and obvious answers to these questions will sufficiently demonstrate that the idea of a virtual or implied representation, is wholly falacious.

I have in the foregoing letter acknowledged that the inhabitants of Great Britain, who, for want of real property, do not vote for members of the house of commons, are not represented therein ; but yet they owe obedience to our laws, from which they receive protection, and to which they voluntarily subject themselves, by continuing to reside under their government, and are amply secured in their liberties, by the equal and full enjoyment, and protection of those laws, made for the government of the freeholders and legislators themselves ; and these laws being not *partial* but *general*, those who have not the benefit of representation, can suffer no penalties or exactions, to which the land-holders and their delegates are not equally exposed ; which is to them an important and sufficient security ; since as the great *Sidney* declares, “ *the hazard of*

“ *being ruined by those who must perish with*  
 “ *us, is not so much to be feared as by those*  
 “ *who may be enriched by our destruction ;*  
 “ *this being under God, the best anchor we*  
 “ *have, it deserves to be preserved with all*  
 “ *care.*”

The colonies however have no such anchors of security ; on the contrary those who impose taxes upon them profit by the imposition, as the laws by which they are levied, are partial, and enrich rather than impoverish the people and parliament of this kingdom, by whom they are made : in this state, what security can the colonies possibly have against an abuse of power, when instead of those restraints on the legislative authority, which secure the people of this kingdom, those by whom they are governed, are urged to oppress them, by the irresistible suggestions of self interest ? In short if the colonies are taxed by parliament, they must be compelled to an involuntary subjection, to an arbitrary power, exercised over them by men, to whom they have neither delegated or entrusted it, and over whom they have no restraining influence, for their security and preservation ; and if this is not  
 slavery



I would be glad of a more perfect definition of that state. For my part I can discover no difference between their situation and that of a Turkish slave, except that in one case, the tyranny is exercised by an individual, and in the other by some hundreds, whose oppression will naturally be less supportable, as their wants will be more numerous.

[ The arguments of the greatest, and most dignified lawyer in this kingdom, in favour of the colonies, are the next objects of your animadversion; these you attempt to invalidate by asserting, "that the luxuriant and "despotic branches of prerogative were "lopped off at the revolution:" But I must beg leave to inform you, that whatever limitation the king's prerogative received at that time, his power of granting freedom to his subjects, suffered no diminution; and to assert that the royal charters, granted the colonies, cannot exempt them from parliamentary taxation, betrays the most consummate ignorance of our original constitution. That the power of parliament within its just extent, and over the proper objects of its legislation

lation, that is over all those assembled therein either personally or by representation, and assenting to the laws therein made, is and ought to be supreme, every one will acknowledge; but to extend the authority of this assembly to those who have no voice, connection or influence therein, is unnatural and repugnant to the principles and policy of our constitution.

The inhabitants of the colonies, while they composed a part of this kingdom collectively, and continued to assemble in parliament, either by themselves or their delegates, were justly subject to its sovereign authority; but this authority naturally ceased, when impatient of the grievances they suffered under its jurisdiction, they quitted the community, and with the consent of their sovereign retired to a distant uncultivated country, and became distinct states, with peculiar privileges expressly granted by their sovereign, for encouraging them to extend his dominions to America; which they effected on these conditions at their sole expence, toil, and danger; and to usurp their privileges so dearly earned, betrays an open contempt of justice. An emanci-  
2
pation

pation from parliamentary authority, was the very object for which the settlement of the New England colonies was undertaken, and which many of the first settlers dearly purchased at the expence of large estates, which they generously sold, and converted into a common fund for supporting their undertaking; and after having enjoyed an emancipation from the authority of parliament (except in commercial concerns) for the space of one hundred and fifty years not only without interruption from, but with the approbation of parliament, you have dared to question the right of the crown in granting this emancipation, and for this very *cogent reason* because truly "that would be to raise a charter above an act of parliament;" as if the privilege enjoyed by the people of this kingdom of making laws (with the assent of the crown) for their own government, entitled them to become legislators to all the king's other subjects, or prevent their sovereign from confirming to Americans the privileges enjoyed by Britons: was ever any thing so absurd? Has the British parliament any right that



that is not derived from the people, and have the people residing in Britain any peculiar inherent right to usurp the freedom and property of Britons residing in America? Were their privileges confirmed to them for the preservation of their own liberty, or to enable them to invade that of others? Does the clause of *Magna Charta*, by which they are intitled to the exclusive right of taxing themselves, and granting their own property, authorize them to dispose of the property of the rest of the king's subjects, or to obstruct every passage from the throne, engross every emanation of liberty, and preclude the sovereign from confirming to his subjects in America, the privileges they enjoyed in Britain?—I wish the people of this kingdom, would reflect a little on the consequences of their pretensions; instead of considering the Americans as our compatriots, and equals, we elevate ourselves to a state of sovereignty over them, and render them not only subjects to our king, but still more abjectly to his British subjects. Is this consistent with natural equity, or the express stipulations, on the faith of which they settled that wild inhospitable country?

The

The authority of parliament in its proper extent is justly supreme, and the same ought to be said of the general assemblies of the colonies : In each the king has his prerogative and the subjects their rights, and in both the people as their supreme privilege, have the exclusive right of granting their own property, because the preservation of property is the end of government : This is the palladium of our common liberty, which has been confirmed to Britons and Americans, by royal charters equally valid ; these your system of provincial government must destroy, and is therefore unnatural and unjust.—But if any doubt still remains, concerning the king's right in granting the colonies an emancipation from parliamentary authority, it may be removed by this single question, has the sovereign a right to permit any of his subjects to depart from the kingdom ? If he has, he certainly can grant this emancipation, because the person departing from the kingdom is *ipso facto* absolved from parliamentary jurisdiction.

N

But

But the better to obviate the arguments of the great person before mentioned, in favour of American liberty, you have introduced a new and visionary distinction “between national and provincial government;” and assert that, “all that the first great man allleges about the rights of the people to be taxed with their own consent, by their own representatives in parliament, is fitly and properly said with respect to *national government*, but improperly with respect to the provinces;” because (to abridge your reasons) the convenience of Great Britain requires the colonies to be kept in a state of subordination, and because, as property is the efficient cause of power and independance, this cannot be done unless Great Britain assumes a right of governing, and taxing their property at pleasure.

These, Sir, are the *very* equitable reasons for which they are to be deprived of that, the preservation of which, is the end of society; and instead of continuing the compatriots, are to be rendered the vassals of Britons;



Britons ; contrary to the charters of every colony, which expressly confirm to them the *privileges and immunities of English subjects* ? How injurious, how unnatural is this distinction between national and provincial government ; from whence is it derived, or by what is it supported ? Not from the policy of the British constitution, I am certain, nor from the charters of the colonies themselves, nor the end of their settlement, for all these operate to the contrary. Nor indeed had it any other than a visionary origin ; and though this imaginary distinction is the foundation of your whole superstructure, you have offered nothing in support of it but your own improbable assertion : you indeed, in another part of your pamphlet (I must collect your arguments from their immethodical diffusion) mention something of *Roman* provinces ; but can you pretend to infer a precedent from them for the government of our colonies ?—

The *Romans* had indeed many provinces, but none which were acquired in the same manner, or settled by the same means, and for the same end, as our American colonies ;

their provinces were generally obtained *jure gladii*, and were then governed in a manner most conducive to the advantage of the Roman empire ; as among them every consideration of equity or justice was disregarded when repugnant to the great object of all their operations, viz. the attainment of universal dominion.

The few colonies planted by the Romans, were settled at the instance, and supported at the expence of the commonwealth, and were not considered by the settlers, as asylums from the oppression of the senate, but as garrisons and cantonments for the preservation or extension of their conquests ; but even in these the Romans, who were there inhabitants, were never denied the freedom and immunities, of citizens of Rome : Great Britain, therefore has no provinces similar to those of Rome, unless Minorca, and Nova Scotia be reckoned as such, but were the case otherwise, the difference between the Roman and British constitutions, would render it impossible to infer any thing therefrom pertinent to the present subjects ; so  
that

that [in fact, your distinction between rational and provincial government, when applied to our American colonies, is unsupported by one just argument, though opposed by the general polity of our constitution, and therefore deserves no farther notice ; neither have the reasons which you offer for the expedience of this distinction any foundation in justice ; you conclude “ The prosperity or  
 “ adversity of the colonies, being the prosperity or adversity of Great Britain, the  
 “ right of sovereignty, as including taxation, ought to remain indissoluble in the  
 “ legislature of Great Britain over the provinces ; and that the prosperity or adversity of Great Britain, not being the prosperity or adversity of the colonies the  
 “ power or privilege of exclusive and independent taxation, ought never to be given  
 “ to or entrusted with, the provinces :” This is indeed a most absurd mode of reasoning, even were the assertion true, which it cannot be without a reproach to Great Britain.

It is certain that both the parent country and colonies are mutually benefited by  
 2 their



their connection with each other, and if the advantages of their union are equal, they are equally interested in each others prosperity or adversity; and if they are not equal they ought to be made so, or the compact should be dissolved; if therefore Great Britain is more especially interested in the prosperity of the colonies, by enjoying the greatest advantage, from her intercourse with them, it is evident, that instead of depriving them of their property we should promote the means by which it may be augmented.

Your assertion that the colonies by giving up their rights and privileges into the hands of the British parliament, can never be in danger of oppression from the parent country, because whatever essentially injures them, must ultimately terminate in her disadvantage, is a most falacious position; nor can it ever be true, whilst British legislators are influenced by these passions which have hitherto governed mankind. Survey the most absolute monarchies where the sovereign considers the possessions of his slaves as his own property, and see if on that account he uses them with more tenderness  
and

and œconomy : In short, British ministers are not always attentive even to the good of the people of this kingdom, when placed in opposition to their own interest ; how then can it be expected they should regard the interest of the colonies whom they can oppress with impunity, as their distance secures them from the dangers of popular fury, and private malice.

But when an act of parliament has for several years continued unrepealed, obliging all American ships trading to Spain and Portugal, to undertake a circuitous voyage from the countries hither, to unload their commodities, and afterwards reship them for those colonies at the expence of several hundred pounds, for the sole purpose of paying a few pounds duty on these articles, can any man have the presumption to assert or will he be believed in asserting that any regard is had to the interest of the colonies ? Even our bounties with which we reproach them, have been granted not so much for their advantage as our own ; and in every part of our conduct the interest of the colonies

lonies, as most has been but a secondary consideration.

You justly observe, “ that the rest of the  
 “ world are so far advanced in commerce,  
 “ and such formidable rivals to Great Bri-  
 “ tain, that her last and ultimate hope is in  
 “ the commerce of her colonies and her  
 “ trade with them;” and I cannot but re-  
 gret that those who have lately admini-  
 nistered our affairs, have paid so little at-  
 tention to the preservation of this important  
 article, and that not content with embarrass-  
 ing and restraining the trade of the colonies  
 in every channel, which did not immediate-  
 ly promote the partial interest of Great Bri-  
 tain, we have also driven them to œconomy  
 and manufactures, and by our impolitic  
 impositions, compelled them to discover and  
 experience that natural independence, which  
 a fertile soil with a variety of climates ne-  
 cessarily affords them, and if causes still con-  
 tinue to produce their natural effects, the  
 time is now near when American manufac-  
 tures will not be confined to those commo-  
 dities whose fabrication, we have encourag-  
 ed



ed by our misplaced and unconstitutional duties.

As to your outlines of a provincial government, I shall only observe that your presumption in attempting to subvert an original and equitable constitution, and prescribe a new government for three millions of people, which violates their charters, and wholly cancels the very conditions on which their ancestors settled the country they inhabit, and enlarged his majesty's dominions with much toil and blood, at their sole expence, and which destroys that constitutional equality which ought ever to subsist among all his majesty's subjects, deserves only my contempt.

In comparing the authority of the general assemblies of the colonies to that of the corporate cities in England, you offer the highest insult to the dignity of those supreme legislative bodies. Let any man compare the priviledges of the latter with those of the former, and see if he can discover the least similitude. But there is yet a more essential

O

difference

difference in their situations; the corporate cities in England are represented in the British legislature, and should be controuled by its laws; but the colonies are not.

Let me ask you to what purpose you attempt to ridicule the idea of a social compact, and why you are so very prolix in reminding your readers of the wretched slavery in which so many oriental nations are immersed? Have their miseries any particular application to the colonies, or would you justify one wrong by another, or encourage the Americans to submit to slavery because it is the portion of so many others, and solace themselves in that state by the wretched consolation which Carthage and Marius \* mutually afforded each other in their fall? But whatever were your motives, your arguments sufficiently

\* *Inopemque vitam in tugurio ruinarum Carthagenensium toleravit, cum Marius inspiciens Carthaginem, illa intuens Marium, alter alteri possent esse solatio.*

LIV.

betray

betray your connections and principles which are in reality as repugnant to British as American liberty.

You assert that the inhabitants of all the colonies, "were either born or of choice  
 "resorted there under the same predica-  
 "ment of being subjects of Great Britain,  
 "protected by her parliament, enjoying her  
 "laws and subjects to her government."  
 No part of this assertion however is true, since, as I have demonstrated in the preceding letter, every colony planted before that revolution in provincial policy, which produced the act of navigation, was settled under express stipulations of continuing within the allegiance of the English crown, but of being in every respect free distinct states without the least subjection to the English parliament in any respect whatever; and the settlement of all the subsequent colonies was undertaken in full confidence and expectation of being perfectly independant to the parliament of this kingdom, except in commercial regulations only; this they were intitled to expect, not only from  
 O 2 their



their charters, but the conduct of parliament itself, together with the principles of the English constitution; and so far were the colonies from being planted under the predicament of a subjection to parliamentary taxation, that no idea of that subjection, was ever conceived, either here or in the colonies, till Mr. Grenville, formed the unhappy design of augmenting the national revenue by his pernicious stamp act.

And here let me enlarge a little on that national sovereignty over the colonies which you so frequently mention, and which has been adopted by many others, who have fondly cherished an idea so favourable to their vanity and self interest, till by habitude they almost believe it has a real foundation in justice. Misled by partial considerations we have been accustomed to look upon the colonies as so many appendages or factories to this kingdom, devoted solely to the improvement of its particular interest, wealth, and power, and without any rights or privileges which are not perfectly consistent with the attainment of these desired objects : This  
however

however is a most falacious idea, and not only destitute of support, but repugnant to the principles of our government, which has provided equal freedom to all its subjects.

To concur in making all laws, to grant all supplies, and to enjoy personal security, personal liberty, and private property, are the indisputable privileges of British subjects, and to these and other privileges and immunities every individual in the community has an equal claim with others of the same rank. This is a circumstance inherent in, and necessary, to the existence of a free state, which requires that all the subjects of the realm should stand on the same level of liberty; how absurd is it then to erect ourselves into sovereigns of America, and instead of considering the inhabitants of the colonies, as the king's subjects, like ourselves, to mistake them for our vassals, and confound the distinction between the dominions of the king, and of the nation? had we attended to this obvious distinction, we should have discovered the unreasonableness of our pretensions to national sovereignty,

ty, for which the British constitution has made no provision, and have avoided those acts of legislation, which have created the present disputes, as important in their nature as they are alarming in their consequences.

The king's subjects are divided into different states, in which both his prerogative and the rights of the people are more or less extensive ; but it is neither just nor necessary that one of these states should usurp the sovereignty of the whole, become their legislators, and govern them according to its own partial interest ; nor can this be done without violating the fundamental principles of the British constitution, since none can legally be governed by acts of parliament who are not united to this kingdom ; and, when thus united, must equally participate all the rights and privileges of British subjects. There are many who have sufficient sense and impartiality to perceive the truth of this undeniable position, and who yet maintain the sovereignty of the British parliament over the colonies, because they have erroneously



fully considered them as incorporated with this  
 kingdom, over which the authority of parli-  
 ament is confessedly supreme; but this is far  
 from being the case, as is evident even from the  
 determination of the lords of privy council;  
 they are indeed the subjects of the same  
 crown, but with regard to their internal  
 policy and government distinct indepen-  
 dent states; and whenever they are united  
 in the manner necessary to constitute the  
 legality of parliamentary legislation, every  
 inhabitant possessed of a freehold of forty  
 shillings *per annum*, must be intitled to  
 vote in the choice of the representatives in  
 parliament, and every restraint on their trade,  
 to which the inhabitants of Great Britain  
 are not subject, must necessarily be abrogat-  
 ed; but as the great distance of the colonies  
 has created many almost insuperable ob-  
 stacles to this union, I can discover neither  
 reason nor equity in subverting their original  
 constitution, and subjecting them to the  
 legislation of the British parliament, in which  
 they are wholly unrepresented, nor can this be  
 effected without manifest wickedness, as jus-  
 tice ought not be less regarded in national  
 than

than private measures; and to exerce over others an authority to which we have no right, is as great a wrong as can be imagined; however great or dinified the assembly by which this authority is exercised.

The argument alledged to prove the necessity of subjecting the colonies to the authority of parliament, viz. for preserving their connection to Great Britain, is wholly chimerical; are not they and we united under the same sovereign, who has a right not only of negating but repealing, their laws within a limited time in all the colonies (one or two excepted,) and with whose officers the executive authority of government, civil and military, is deposited; and who, by residing solely in this kingdom, will be particularly attached to its interest and determined by its council, and exert all the power of his prerogative over the colonies in promoting the interest of Great Britain? Besides the colonies have consented to consider themselves as united to Great Britain, in a commercial capacity, and to have their trade governed by its parliament; and with all these connections will any person

son believe that they are not rendered as dependant on this kingdom, as is possible, without wholly divesting them of those privileges which are essentially necessary to secure them from slavery.

As this is evident, I cannot but consider all the arguments urged to prove the necessity of a supreme power in the parliament over the colonies, as so many artful sophisms calculated to cover the most sinister designs.

On observing the political maxim, extracted from Harrington's Oceana, and prefixed to the title page of your pamphlet, I immediately concluded that convenience, rather than justice, would become the basis of all your reasoning; nor was I disappointed, as all your arguments depend on a supposed utility, in depriving the colonies of the rights of Britons, and subjecting their property to the disposal of parliament. But, whenever this principle is adopted, I cannot see why we should content ourselves with taxing the colonies only, since it would probably be most convenient to the partial

P

interest



interest of this kingdom, that the value of all their property should be deposited in the British treasury for discharging the national debt; and consequently that they should all be driven from their habitations, and their estates exposed to sale for our use; and indeed, if, in our conduct towards the colonies, we are influenced by your reasons, and governed only by our own interests and convenience, and, if we act rationally on these principles, we shall not leave a single shilling in their possession, unless it be from those artful motives which induce boys in robbing a nest to leave one egg, that others may be added thereto, and the acquisition thereby rendered ultimately the greater; nor will it be more unjust to take the whole of their property, than a part. If, however, our partial interest and convenience are to continue, the precarious tenure of American property, as they must on your principles, I shall not blame the colonies if in reality they aspire at independency, as their enemies falsely and maliciously assert.

After

After having a long while reasoned (if I may so express myself) on principles of partial convenience only, you seem at least to recollect that some regard ought to be had to justice, and unsuccessfully attempt to warp that inflexible principle into a prop to support the cause you have espoused: You acknowledge that it may be urged that “the colonies are the offspring and children of Britain, that they are likewise possessed of property the efficient cause of power and dominion, and that they are therefore morally and naturally entituled to all the liberty rights and privileges of Britons; and of consequence they ought in order to have their property in America, taxed with their own consent, to be represented from America, in the British parliament.” To this you *sagaciously* answer that “They are intituled to all the liberty, rights and privileges of Britons, but no representation from America.” What absurdity! How can they enjoy “all the liberty, rights, and priviledges of Britons,” when governed by laws made in an assembly

bly in which they have no representation ? Or indeed, what can they enjoy in this case but slavery ? But why are the colonies to be denied a representation ? “ because that would render the house of commons a numerous, tumultuous, unweildy and unmanagable body.” A very pretty chimerical supposition to authorize injustice.

To this you add some other arguments, to prove that an adequate representation from the colonies would be inconvenient to this kingdom, but allowing this to be true, as it really is, why are they not to be allowed the privilege of representing themselves in their own assemblies ? I caufe truly (to sum up your arguments) it is for the interest of Great Britain to secure their dependance by controuling their property. But is this consistent with justice ? surely not. — Why then do you meddle with that stubborn troublesome principle ? I suppose because you think appearances ought to be preserved ; for this purpose you introduce another falacious argument and assert that “ the interest of a part, ought  
“ to



“ to give way to the whole,” and that  
 “ Great Britain is that whole, and her co-  
 “ lonies, did they consist of a hundred mil-  
 “ lions, are, when figured out, as opposed  
 “ to her but that part.”—What absurdity!

Can any man inform me by what peculiar privilege the partial interest, of seven millions of people, inhabiting this favoured isle, is to controul the interest of one hundred millions in America? The supposition is repugnant to reason and justice. But let me examine your argument: I acknowledge, that in a body corporate, the general good ought to be predominate, as far as consistent with the justice due to individuals; but the colonies are not incorporated with Great Britain in a legislative capacity, nor can she justly make laws for their internal government\*. As parts of a commercial empire

\* I have in several parts of this and the preceding letter, considered the colonies as distinct states: This I was naturally led to do by a variety of facts and circumstances. In 1621, when the commons proposed  
 “ An Act for the free liberty of fishing and fishing  
 “ voyages

empire she may continue to regulate their commerce for the general good, but, even in that

“ voyages, to be made and performed on the sea-coasts  
 “ and places of Newfoundland, Virginia, and New-  
 “ England, and other countries and parts of America ;”  
 the secretary of state made the following declaration  
 to the house from his majesty, “ America is not an-  
 “ nexed to the realm, nor within the jurisdiction of  
 “ parliament, you have therefore no right to interfere,”  
 and for this reason the bill, which aimed only at  
 granting his majesty’s subjects in England, the privi-  
 ledges of fishing in America, was denied the royal as-  
 sent ; and I know of no subsequent act of union, by  
 which the colonies have been annexed to this king-  
 dom. To this I must add, that the privileges of sove-  
 reign legislation, of raising armies, making war on all  
 such as are not his majesty’s friends and allies ; par-  
 doning or punishing crimes with death, coining money,  
 and other acts of sovereignty, granted by their char-  
 ters, (many of which still retain their validity) prove  
 that they have at no time been considered as parts of  
 this kingdom. When it was likewise determined, that  
 final appeals from the colonies, should lie not with  
 the house of lords, but the king in council, it was  
 certainly believed that they were not within the realm,  
 and that the peers of England were not peers of  
 America. These, with the determination of the lords  
 of

[ III ]

fects resulting from the execution of a law universally odious? nothing can be more disagreeable, or more alarming to the colonies than parliamentary taxation, nor can any thing more effectually promote their disunion from the parent country.

It is a just and necessary maxim that in the government of an empire, the general increase, wealth and power of the whole, should determine every measure, and not the aggrandisement of one part at the expence of the other; nor can the connection between Great Britain and the colonies be perpetuated except by rendering it reciprocally and equally advantageous; thus circumstanced it will necessarily be permanent, nor shall we ever have any just cause to fear that they will aspire to independency, let their increase be ever so rapid, because in that state they could obtain no greater freedom than that which they must now be allowed, if they are suffered to enjoy the privileges of Englishmen. But whenever the component parts of an empire are distinguished from each other by an unreasonable



ble and unjust partiality in the laws by which they are governed, division and actual separation must necessarily ensue; and in this case the more extensive the empire the greater its imbecillity; and I will venture to lay it down as an infallible maxim that any kingdom that adopts a system of provincial government, such as that which you have proposed, and which renders one part of the community the vassals of the other, will thereby accelerate its own ruin: reflect on the example of Athens, which owed its declension to that decree by which the provinces were denied the privileges of Athenians, and from that time aspired to independance; and this will always be the case while causes continue to produce their natural effects.

Great Britain is now honoured and strengthened by an increasing progeny of the most vigorous and flourishing colonies that any nation on earth can boast, and it depends on her own oeconomy and management, either to continue them a blessing, or render them a curse to this nation; injuries  
from

from those to whom we are nearly related, and from whom we are intitled to expect friendship and affection, make the deepest and most lasting impressions on the mind; and if we through pride or interest, obstinately adhere to the usurpations on the rights of the colonies what but lasting discord and enmity can ensue.

I will imitate your example, and adopt the metaphor of a laborious family to convey an useful admonition on this subject: Imagine then, the colonies to be the growing vigorous sons of a father, arrived at least to the meridian if not to the decline of life, and who has been hitherto supported and enriched by their successful industry; should this parent now adopt a rigorous and oppressive conduct towards his children, would he not thereby necessarily drive them from home, and compel them to renounce all connection with their unnatural parent, and set out in life in pursuit of their own private interest? In short if in our conduct towards the colonies we mean to act agreeable either to the dictates of justice or of sound

Q

policy

policy, we shall suffer them to enjoy all the privileges and franchises of Britons : to do this we must necessarily allow them to retain their original constitution, and renounce all pretensions to the disposal of their property, or otherwise grant them an adequate representation in the British parliament ; this is the only alternative, and the only expedient which can justify parliamentary taxation : But the great distance which separates the colonies from us, will necessarily produce almost insuperable obstacles to the latter measure, and render an American representation not only inconvenient to this kingdom, but particularly grievous to the colonies, and for this weighty reason, I think it will be most eligible to leave the colonies the full enjoyment of those rights and privileges which were indisputably in their possession before the late stamp act, and trust to their acknowledged filial generosity, duty and affection for such supplies as his majesty may require of their assemblies, towards defraying an equitable share of the common expence. If there is any person so unreasonable as not to think their former exertions  
in



in the common service a sufficient security for their future good conduct, let us leave the defence of the colonies to themselves. This will effectually remove the present bone of contention, since all our claims on them are founded on the single article of protection; and by leaving that to themselves we shall effectually obviate every cause of future dissension. That they are able and willing to undertake their own defence against their own particular enemies is certain; and it is likewise certain, that, with their œconomy in the management of public affairs, they can effect it at much less expence than it can be done by this kingdom-at so great a distance: What then should hinder the adoption of this measure? there can be no reasonable objection against it, nor will it be opposed by any man whose designs are compatible with the mutual prosperity of Great-Britain, and the colonies; who have ever approved themselves the industrious and dutiful progeny of this their parent country; and though they have profited by our intercourse and assistance, I will venture to assert that the benefits they have received from us, are by no means equal to the advantages which

this kingdom has derived from them ; nor can I, without the utmost surprize, reflect on the audacity of those who wickedly aggravate the favours conferred on them, and incessantly reproach them with our protection, affirming that this kingdom “ has reared “ them to maturity at the boundless expence of her best blood and treasure.” These, Sir, are wicked arts to justify the most iniquitous designs. No sooner had they, by their own fortitude, and at their own expence, vanquished their savage enemies, than they exerted their utmost power in extending his majesty’s dominions to other parts of America : Numerous and expensive have been their expeditions for this purpose, and on many occasions have we profited by their services, but the advantages, derived from their commerce have more especially contributed to raise this kingdom to its present meridian of wealth and power. Compare its present elevation with that mediocrity which marked its condition in the reign of the former Steuarts, and reflect that the happy difference is owing to the colonies, and then answer me whether we ought to reward their services with slavery in opposition

position to the dictates of justice, true policy, and even of common humanity? What Briton that has enjoyed the blessings of freedom can wish to usurp them from his American brethren, who have merited so much from us?—What measures will be finally adopted is uncertain, but if, after the legality, inexpediency, and inhumanity of taxing the colonies has been so incontestibly demonstrated, the nation should adhere to your machiavellian policy, their conduct will hereafter be registered as a prodigy in the annals of absurdity. This I assert, without interest or passion, as heaven can witness, that I have no wish repugnant to the common welfare of Great Britain, and the colonies, and can, with the utmost sincerity, repeat

*Dii patrii servate domum, servate nepotem.*  
VIRG.

I am, Sir,

Your's, &c.